

## **Remarks**

Claims 6-9, 11 and 14 are pending. Claims 9 and 14 stand withdrawn.

### Claim Rejections – 35 USC 102(a)

The claims stand rejected based on the contention that they are anticipated by U.S. Patent No. 7,229,969 (the '969 patent) under 35 USC 102(a). Thus, the cited reference has an effective date that is less than one year before the effective priority date of the present application.

With this paper, Applicants reiterate that the present application is a U.S. national phase application based on PCT/EP03/02356, filed March 7, 2003. This PCT application in turn has priority to German patent application No. 102 11 555.9, filed on March 15, 2002, which is prior to the effective date of the cited '969 patent. A certified copy of the German priority application was submitted with the present application as filed. A priority claim to the German application was presented on the declaration for the present application, as well as in the filing papers for the PCT application from which the present application entered the U.S. national phase.

With this paper, Applicants submit a certified translation of German patent application No. 102 11 555.9 and a verification that the translation is accurate. Applicants submit the disclosure of the German patent application and the present application is the same. Therefore, in accordance with 37 CFR § 1.55 and MPEP 706.02(b), the '969 patent is no longer citable against the present application, Applicants having herewith timely perfected the priority claim to the German application.

### ***Conclusion***

Based on the foregoing remarks, Applicants believe the claims are now in condition for allowance. The Examiner is respectfully requested to remove the rejection and allow the application. Applicants request a one-month extension of time to file this response. Any fees due may be charged to Deposit Account no. 08-2442.

Respectfully submitted,

/John D. Lopinski/

By: \_\_\_\_\_  
John D. Lopinski, Reg. No. 50,846

HODGSON RUSS LLP  
The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, NY 14202-4040  
Tel. 716-848-1628  
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